

Opportunity for Public Comment

Comments may be sent to Kendall Gifford, Chief, Case Management, Division of Correction, 6776 Reisterstown Road, Suite 310, Baltimore, MD 21215, or call 410-585-3327. Comments will be accepted through July 6, 2009. A public hearing has not been scheduled.

.06 Restoration of Revoked Diminution Credit.

A. [Upon] *Except under §C of this regulation, upon the recommendation of [a] case management [team] staff, a warden may restore diminution credit revoked [good conduct credit or revoked special projects credit or both] during the current incarceration.*

B. [A case] *Case management [team] staff may recommend restoration of revoked diminution credit for an inmate who:*

- (1) Has [been infraction free during] *no guilty finding for an inmate rule violation in the preceding 6 months;*
- (2) Is not serving a period of disciplinary segregation; [and]
- (3) Has not been [released from a period of] *in disciplinary segregation [within] in the preceding 6 months[.];*
- (4) *With the application of the maximum amount of restored diminution credit, is within 12 months of release; and*
- (5) *Has:*

(a) *Not received prior consideration for restoration of diminution credit during the current term of confinement;*

or

(b) *Received prior consideration for restoration of diminution credit where, as part of that consideration, a condition was imposed that the inmate was required to meet before a second consideration to restore revoked diminution credit would be given under this regulation.*

[C. If an inmate has been free of disciplinary findings of an adjustment proceeding for the previous:

- (1) 6 months, up to 50 percent of the total credit revoked may be restored; or
- (2) 12 months, up to 100 percent of the revoked credit may be restored.]

C. *Refusal to Submit to Medical Testing or Provide a DNA Sample.*

(1) *A warden may restore, with a recommendation from case management staff, diminution credit revoked for an inmate's refusal to:*

- (a) *Submit to a medical test affecting the public health or facility security; or*
- (b) *Provide a DNA sample.*

(2) *Before a warden restores diminution credit revoked for refusing to submit to medical testing or provide a DNA sample, a warden shall verify that the inmate has submitted to the required medical test or provided the DNA sample.*

D. (text unchanged)

GARY D. MAYNARD

Secretary of Public Safety and Correctional Services

Title 14 INDEPENDENT AGENCIES

Subtitle 32 STATE LABOR RELATIONS BOARD

14.32.08 Procedures Governing Employee Information

*Authority: State Personnel and Pensions Article, §§3-205, 3-206, and 3-208,
Annotated Code of Maryland*

Notice of Proposed Action

[09-160-P]

The Maryland State Labor Relations Board proposes to adopt new Regulation .01 under a new chapter, **COMAR 14.32.08 Procedures Governing Employee Information**. This action was considered at a public meeting of the State Labor Relations Board, on March 26, 2009.

Statement of Purpose

The purpose of this action is to bring the State Labor Relations Board's regulations in line with new provisions of

*Revised in 6/5/09
P. 844
Vol. 36, ES5w12★
Eligible for final
adopt 7/31*

Maryland's Collective Bargaining Law, and to clarify various duties and relationships between exclusive representatives and the employer, the State of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Erica L. Snipes, Executive Director, Maryland State Labor Relations Boards, 839 Bestgate Road, Suite 400, Annapolis MD, 21401, or call 410-260-3216, or email to esnipes@laborboards.maryland.gov, or fax to 410-260-3219. Comments will be accepted through July 6, 2009. A public hearing has not been scheduled.

.01 Employer Notification of Disclosure of Information and Employee Opt-Out Provisions.

A. Employer Notification to Employees.

(1) *Thirty days before providing an employee's name, addresses, telephone numbers, and work information to an exclusive representative, as provided in State Personnel and Pensions Article, §3-208, Annotated Code of Maryland, the Department of Budget and Management shall notify the employee of the provisions of that section, and include in its notice the means by which an employee may opt out as provided in §B(2) of this regulation.*

(2) *The Department shall provide notice to the employees by signed and dated letter.*

(3) *The exclusive representative requesting such information shall bear the mailing costs for the notification to employees. Additionally, the Department may charge the exclusive representative requesting the employee information a fee not to exceed the actual cost of compiling the information. For purposes of calculating the actual cost, the Department shall use the following hourly rates of compensation for the search and preparation of the requested information if the information is not readily available:*

(a) *For administrative tasks, an hourly rate of compensation equivalent to the midpoint step for grade 12, as established in the State of Maryland Salary Schedule consisting of 26 grades; and*

(b) *For programming to extract requested data, and other professional level work, as required, an hourly rate of compensation equivalent to the midpoint step for grade 18, as established in the State of Maryland Salary Schedule consisting of 26 grades.*

(4) *The Department may not charge any search or preparation fee for the first 2 hours of official or employee time that are needed to provide the requested information.*

(5) *The Department may charge a fee for providing photocopies of the requested information equivalent to the fee established in COMAR 17.02.01.04.*

(6) *The exclusive representative may request such information in digital or electronic format. If the requested information is available in digital or electronic format, the Department shall comply with the request at no additional charge beyond the costs incurred by the Department in compiling the information as provided in §A(3)(a) and (4) of this regulation.*

B. Employee Opt-Out Provisions

(1) *The provisions of §B(2)—(6) of this regulation do not apply to the distribution of ratification ballots by the exclusive representative, and do not preclude the exclusive representative from mailing ballots for a Memorandum of Understanding ratification vote to bargaining unit employees' home addresses through a third-party mailer.*

(2) *For the purpose of calculating an employee's response time to the Department's notice under §B(3) of this regulation, it shall be presumed that the notice was received by the employee 10 calendar days after the postmarked or metered date appearing on the envelope.*

(3) *The employee may, within 15 days of the Department's notice under §A of this regulation, notify the Department that the employee does not want the employee's name, addresses, telephone numbers, or work information to be provided to an exclusive representative, pursuant to §B(4) of this regulation.*

(4) *The employee may give the notice provided in §B(3) of this regulation by regular mail, facsimile, or in person, to the address specified in the notice, using the form described in §B(5) of this regulation, for each method of notice.*

(5) *Employees shall use the form provided by the Department to give the notice provided in §B(3) of this regulation.*

The form shall instruct the employee to provide the following information:

- (a) The employee's name and home address;*
- (b) The employee's job title and worksite;*
- (c) A statement that the employee does not want the employee's information as described in §B(3) of this regulation, released to an exclusive representative;*
- (d) The date of the employee's response; and*
- (e) The employee's signature.*
- (6) An opt out under §B of this regulation applies only to those information requests made under State Personnel and Pensions Article, §3-208, Annotated Code of Maryland.*

ERICA L. SNIPES
Executive Director
Maryland State Labor Relations Board

Title 27

CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS

Notice of Proposed Action

[09-161-P]

The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays proposes to:

- (1) Amend Regulation .01 and adopt new Regulation .03 under **COMAR 27.01.01 General Provisions**;
- (2) Adopt new Regulation .08 under **COMAR 27.01.02 Development in the Critical Area**; and
- (3) Amend Regulation .01 under **COMAR 27.03.01 Notification of Project Applications**.

This action was considered and approved for promulgation by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays at an open meeting held on March 4, 2009, pursuant to State Government Article, §10-506, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish consistent procedures for the consolidation or reconfiguration of certain grandfathered lots or parcels so that these lots or parcels are brought into conformance with the Critical Area program to the extent possible.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Ch. 119, Acts of 2008, authorizes the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays to adopt regulations that require directives for local program development and implementation. In addition, the act specifically requires local jurisdictions to include written procedures for lot consolidation and reconfiguration to be an element of a local program. The procedures proposed by these regulations were considered as an assumed cost of Ch. 110, Acts of 2008. The proposed lot consolidation and reconfiguration regulations will serve as the minimum procedures that should be in a local program. Local jurisdictions will have the option to adopt alternative local procedures provided those procedures meet or exceed the standards in these regulations. No additional processes associated with these regulations are required. A slight increase in expenditure on local jurisdictions will include postage associated with mailing the Commission staff the notice of the final decisions.

II. Types of Economic Impact.

- A. On issuing agency:
- B. On other State agencies:
- C. On local governments:

Revenue (R+/R-)	Magnitude
Expenditure (E+/E-)	

NONE

NONE